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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,665	06/20/2006	Ari-Pekka Kautto	METSO-62	9104
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EXAMINER				
EDWARDS, LAURA ESTELLE				
ART UNIT		PAPER NUMBER		
1713				
MAIL DATE		DELIVERY MODE		
06/10/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,665

Applicant(s)

KAUTTO ET AL.

Examiner

Laura Edwards

Art Unit

1713

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10, 12-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10, 12-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date 20100305
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 8-10, 12-17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parni et al (WO 00/58555) in view of Lintula et al (WO 00/63494).

Parni provides for a rod cradle comprising a base part (2), a rod groove or opening (not numbered) for receiving the rod (1), and a body part (upper area of 2 including portion adjacent the hose (4)) between them, the base part and body part being of a first material which can include a polymeric or plastic material as evidenced by page 1, lines 26-28 wherein the rod cradle groove or opening includes circumference portions edging the rod groove, the circumference portions including portions forming lips, the rod groove being arranged to receive rod (1) between said lips, and wherein the circumference portions are arranged to lie against the rod; wherein said circumference portions are formed at least partly by a piece against which the rod is supposed to slide such that the piece defines a slider piece (6), the slider piece being of a second material different (6) than the first material as indicated via the drawing depiction as being a darker solid lining to indicate a polytetrafluoroethylene based composition to allow for better wear resistance and sliding friction properties of the rod against the exposed cradle groove area. Parni is silent concerning the slider piece being of an insert-molded piece type with the insert molded slider piece part being permanently joined to the cradle. However, it was known in the art at the time the invention was made, to provide in a cradle rod holder, a slider piece being of an insert-molded piece type made from polyurethane to polyethylene thus providing a wear resistant low friction surface to be in contact with a coating rod with the piece being

integrated meaning joined or united with the cradle as evidenced by Lintula (page 5, lines 21 to page 6, line 29; page 7, lines 30 to page 8, line 3; claim 19). In light of the teachings of Lintula, it would have been within the purview of one skilled in the art to provide a slider piece being of an insert-molded part type, integrated or joined appropriately (i.e., via permanent bond) to the Parni cradle in order to facilitate lubrication of the rod used in the cradle with minimal wearing of the rod.

With respect to remaining claims, all such limitations are deemed to be within the purview of one skilled in the art to the manufacturing of the cradle and thus would not rise to a level to warrant a grant of patentability.

Response to Arguments

Applicants' arguments filed 3/5/2010 have been fully considered but they are not persuasive.

Applicants collectively contend that the obviousness rejections against the instantly claimed invention should be withdrawn because neither Parni nor Lintula teach or suggest an insert-molded rod cradle composed of two plastic parts permanently joined by insert-molding.

This argument is well taken in that neither Parni nor Lintula explicitly suggest "an insert-molded rod cradle" made from two parts ((1) piece to be in contact with the rod or slider piece) and 2) body including base) with the two parts being bonded or permanently joined together by an insert molding technique. However, Applicants have placed more emphasis on how the cradle is made (i.e. insert molding technique) not the structural distinction of cradle from that of the prior art to Parni and Lintula. It does not appear that the final cradle product regardless of

how it's made, structurally defines over that already established in the art. Clearly, two different polymeric materials can be used to make the cradle as evidenced by Parni and even though Parni does not appear to use pre-molded pieces to form the cradle, Lintula provides sufficient evidence that the routineer in the art would use pre-molded pieces to make the cradle and integrate or join the pieces together to form the final cradle. While permanence of the parts as in a permanent bond is not explicitly disclosed in Parni or Lintula, certainly one skilled in the art would appreciate that when the molded pieces or parts are integrated together as suggested by Lintula (last few lines of claim 19), some type of bonding would be expected to effect semi-permanence to complete permanence of the parts to provide for a final integral unit. For the above reasoning, the obviousness rejection of the instantly claimed invention has been sustained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura Edwards/
Primary Examiner
Art Unit 1713

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June 6, 2010